

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:

180 PROPERTIES, LLC,

Debtor.

Chapter 7
Case No. 14-29827

IRA BODENSTEIN, AS CHAPTER 7 TRUSTEE,

Plaintiff,

v.

MENARD, INC.,

Defendant.

Adv. No. 16-00348

AGREED STIPULATION OF DISMISSAL WITH PREJUDICE

Whereas plaintiff Ira Bodenstein, chapter 7 trustee (the “Plaintiff”) of 180 Properties, LLC (the “Debtor”) and defendant Capital One, N.A.¹ (collectively with Plaintiff, the “Parties”), pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii) (made applicable hereto by Federal Rule of Bankruptcy Procedure 7041), hereby stipulate to the dismissal of this adversary proceeding with prejudice, and all causes of action pending therein, with each Party to bear its own fees and costs associated therewith.

¹ Capital One, N.A. asserts that Menard, Inc. was improperly named as the defendant in this adversary proceeding and states that, upon information and belief, Capital One, N.A. is the proper defendant. Accordingly, Capital One, N.A. submitted its *Answer and Affirmative Defenses to Plaintiff’s Complaint to Avoid and Recover Avoidable Transfers* [Dkt. No. 6]. To the extent that this Court deems Capital One, N.A. to not be the proper party, this *Agreed Stipulation of Dismissal with Prejudice* is entered into between Plaintiff and Menard, Inc.

Ira Bodenstein, chapter 7 trustee (the
“Plaintiff”) of 180 Properties, LLC

Capital One, N.A.

/s/ Christina M. Sanfelippo

Christina M. Sanfelippo
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/s/ Eric Flynn

Eric Flynn
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Dated: December 1, 2016

CERTIFICATE OF SERVICE

I, Christina M. Sanfelippo, an attorney, hereby certify that, on December 1, 2016, I caused a true and correct copy of the foregoing **Agreed Stipulation of Dismissal with Prejudice** to be served by the Court's CM/ECF system to all parties who are eligible to receive service by CM/ECF and by US Mail as indicated.

/s/ Christina M. Sanfelippo

Electronic Mail Notice List

The following is the list of parties who are currently on the list to receive e-mail notices for this case.

- Jeremy C Kleinman jkleinman@fgllp.com,
ccarpenter@fgllp.com;mmatlock@fgllp.com
- Christina Sanfelippo csanfelippo@shawfishman.com, kbobb@shawfishman.com

Via First Class United States Mail Postage Pre-Paid

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